

Towing and Storage Fees for Victims of Stolen Vehicles

General Issue/Narrative:

After towing and storage of a stolen vehicle using a private towing company, some companies hold the victim responsible for the towing and storage charges. In most cases, the victim's insurance company covers these costs for those carrying comprehensive policies. If the victim's insurance does not pay for the costs, the victim pays associated fees.

A victim, who reported their vehicle stolen, should not be held responsible costs incurred from towing or storage of the stolen vehicle, whether insurance would pay the fees or not.

This issue of requiring crime victims to pay to reclaim their stolen vehicle made the news in the State of Washington and California as victims in their States were also forced to pay storage fees.

By amending 28-4837. "Towing and storage costs.", victims will not be held responsible for the towing nor the storage of their vehicle.

Current Statute/Caselaw:

By statute, ARS 28-4835. "Presumption of responsibility" addresses stolen vehicles and victims responsibility when dealing with vehicle removal. ARS 28-4835 holds the last registered owner of record is subject to the chapter unless the vehicle was stolen or the registration was transferred.

ARS 28-4837 does not explicitly state victims of stolen vehicles are not responsible for costs incurred in towing and storage fees however.

Scope of Change:

Allowing victims of vehicle theft to reclaim their property without paying towing and storage fees will be a statewide change.

Solution:

28-4837. Towing and storage costs

(A). The public agency employing an officer who has removed or causes the removal of a vehicle under this chapter is not liable for the cost of towing or storing the vehicle if the officer acts under color of the officer's lawful authority.

(B). The owner of a vehicle that is removed or caused to be removed under this chapter is liable for any reasonable costs incurred in towing or storing the vehicle.

Proposed:

28-4837 (B). The owner of a vehicle that is removed or caused to be removed under this chapter, other than a stolen vehicle, is liable for any reasonable costs incurred in towing or storing the vehicle. The owner of a stolen vehicle that is removed or caused to be removed under this chapter is not liable for costs associated with towing or storing the vehicle. The registered owner of a stolen vehicle who presents a stolen vehicle affidavit or stolen report accepted by a local law enforcement agency, proof of ownership, and the owner's identification shall have the stolen vehicle returned without cost.

Support/Opposition:

Towing companies may oppose the change due to their need to renegotiate contracts with municipalities to account for victims not being held responsible for towing and storage of their stolen vehicles.

Victims, victim's rights groups, law enforcement, prosecutors and insurance companies would most likely be supporting such a clarification and/or amendment.